



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,950	09/16/2003	Daniel J. de Waal	G&C 31003.24-US-U2	3855
22462	7590	09/25/2006	EXAMINER	
GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045			THOMASSON, MEAGAN J	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,950

Applicant(s)

DE WAAL ET AL.

Examiner

Meagan Thomasson

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/10/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The abstract of the disclosure is objected to because of the use of legal phraseology in the statement "The apparatus comprises hardware and software modules and other means for performing the above operations. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3714

2. Claims 1-7, 13, 16-18, 31-37, 43, and 46-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (US 6,312,332).

Walker et al. discloses a method and apparatus for team bonus play wherein the bonus is awarded based on multiple game outcomes associated with multiple players within a designated bonus time period.

Column 3, lines 17-41 disclose the method of team bonus play as follows:

In accordance with one aspect of the invention, there is provided a method and system for operating slot machines, the method comprising the steps of: identifying at least two slot machines for team play, determining a set of bonus conditions for the team play including a bonus payout if the bonus conditions are satisfied by the team play, initiating a bonus time period during which the bonus conditions are active, and analyzing outcomes from the first and second slot machines to determine if the bonus conditions are met during the bonus time period.

In one embodiment of the invention, the bonus conditions further include a requisite number of a specified bonus outcome, the bonus outcomes being totaled between the two machines to determine if the requisite number is met. The bonus time period is initiated upon the occurrence of the first bonus outcome at any of the grouped machines.

When implemented with video poker machines, the bonus conditions include a specified rank of video poker hands. The number and rank of the hands, and the length of the bonus time period, can be selected to provide a

desired house advantage. Data describing the progress of the team play can be transmitted for display to each of the team players, thereby encouraging interaction amongst the players and the development of a team spirit.

Column 7 lines 53-65 describe the method of team bonus play as "if a final poker hand (i.e. the hand resulting from the draw) results in a bonus condition ... video poker machine 40 initiates a bonus mode of operation ... Team players then play cooperatively to win a bonus by operating their machines using strategies selected to achieve the requisite number of bonus hands required to win the team bonus". This bonus condition, or bonus parameter set, includes a time period in which multiple game outcomes occur, disclosed as a "bonus time period" in column 7 line 68, as well as a minimum qualifying wager in that a wager must be placed in order to initiate game play, therefore satisfying the limitation of a minimum qualifying wager.

Game outcomes may comprise winning outcomes and losing outcomes as disclosed in column 12, lines 59-63, stated as "If no bonus hand is detected, i.e. no flush or four-of-a-kind, then repeat play continues ... If a royal flush, a regular flush, or a four-of-a-kind is detected, then it is indicated as a 'bonus hand obtained'", wherein a bonus hand is a winning hand.

Further, Walker et al. discloses that the bonus qualifying game play outcome requirement is a combination of game play outcomes in column 6, lines 22-27, stated as "Bonus conditions 78A indicate that when two royal flushes are obtained in total by the team players within two minutes of the initiation of a bonus time period, a bonus ... is paid to the player".

The apparatus for implementing the method of team bonus play as described above is disclosed in column 4, line 60 and continues through column 5, line 68. Means for receiving and storing game outcomes is disclosed as a slot server, said slot server comprising communication means and a storage device wherein said storage device comprising multiple databases.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-12, 21-28, 38-42, and 51-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,312,332) in view of Acres (US 6,319,125).

As described above, Walker et al. discloses a method and apparatus for team bonus play wherein the bonus is awarded based on multiple game outcomes associated with multiple players within a designated bonus time period. Walker et al. does not disclose the use of a progressive bonus system, however, Walker does disclose the use of multiple payouts to subsets of players, wherein "the bonus payout is biased to provide a larger payout to a selected one of the team players. In one such embodiment, a player receiving the hand that initiates the bonus play conditions receives a higher bonus payout than the other team players if the bonus conditions are fulfilled. In another such embodiment, a single player who obtains a majority of the hands necessary to

Art Unit: 3714

fulfill the bonus conditions receives a higher bonus payout than the other players. In yet another such embodiment, a single player who obtains all of the hands necessary to fulfill the bonus conditions receives a higher bonus payout than the other players, or under such circumstances may receive the only bonus payout resulting from meeting the bonus conditions" (column 8, lines 52-67).

Acres discloses a plurality of networked gaming devices linked to contribute to a plurality of bonus pools. Column 4, lines 49-54 describe the process by which the bonus pools are funded as "A base percentage 303 of each wager 301 is accumulated into a bonus pool 304 for funding each bonus prize. Optionally, a secondary percentage 305 of each wager 301 is accumulated into a "hidden" pool 306 for creating a seed value for the next bonus prize."

Further, Acres discloses a method of awarding a progressive jackpot bonus prize beginning in column 7, line 65 and continues through column 9 line 12, wherein a first set of players is awarded an initial bonus and a secondary subset of eligible players are awarded a second bonus, referred to as a consolation prize.

It is obvious to combine the teachings of Walker and Acres due to their similar subject matter, namely linked electronic gaming machines.

4. Claims 14, 15, 19, 20, 29, 30, 44, 45, 49, 50, 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,312,332) in view of Forte et al. (US RE38,982).

As described above, Walker et al. discloses a method and apparatus for team bonus play wherein the bonus is awarded based on multiple game outcomes associated

Art Unit: 3714

with multiple players within a designated bonus time period. Walker et al. does not disclose the use of live table games, player identification devices, or manually entering game play outcomes in a device communicably coupleable with the database.

Forte et al. discloses a table game gambling system and method wherein a bonus is awarded for consecutive occurrences of winning poker hands, disclosed in column 4, lines 1-7 as "counting and maintaining a player count value for the players. The player count values indicate the current number of player jackpot tally events which the player has to his credit. The jackpot tally events or jackpot hands are preferably credited in serially consecutive runs, such as serially consecutive occurrences of a natural or blackjack hand". In addition, it is well known in the art to award a bonus payout for game play outcomes that include a wildcard.

Further, Forte et al. discloses a dealer console in column 6, lines 5-8, comprising "a player key 26 for each player. Each player key 26 is manually operable to indicate or signal that the player has been dealt a natural or other jackpot hand". In addition, column 5, lines 55-56 further describe the dealer console as providing "input functions to allow the dealer or operator to signal the occurrence of natural or bust hands".

Finally, Forte et al. discloses a "player account and identification card reader 604 is a card reading device, such as an automated magnetically coded credit or bus-ticket-type card reader, well known in the art. Reader 604 is used to either provide an account balance to the gaming machine against which a player can charge bets, and/or provide user identification for verification and user tracking information used by the casino ... to better understand customer behaviors".

It is obvious to combine the teachings of Walker et al. and Forte et al. due to their similar subject matter, namely gambling game systems and methods wherein a bonus is awarded for the occurrence of multiple designated winning hands.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent prior art includes:

- Walker et al. (US 6,843,724) discloses an electronic amusement device offering secondary game of chance and method for operating the same.
- Oberberger et al. (US 6,866,586) discloses a cashless transaction clearinghouse.
- Sharpless et al. (US 6,869,361) discloses a method and apparatus for play of shared bonus games.
- Boushy (US 5,761,647) discloses a national customer recognition system and method.
- Acres et al. (US 5,655,961) discloses a method for operating networked gaming devices.
- Schneider et al. (US 7,037,195) discloses a method and apparatus for awarding a bonus on a network of electronic gaming devices during a pre-determined time period.
- Olsen (US 6,656,048) discloses a controller-based linked gaming machine bonus system.

- Walker et al. (US 6,773,345) discloses a system and method for lottery game play aggregation.
- Olsen (US 2004/0102243) discloses a controller-based linked gaming machine bonus system.
- Olsen (US 6,110,043) discloses a controller-based progressive linked gaming system.
- Piechowiak et al. (US 6,012,982) discloses a bonus award feature in linked gaming machines having a common feature controller.
- Weiss (US 5,611,730) discloses a progressive gaming system tailored for use in multiple remote sites.
- Schneider et al. (US 5,639,088) discloses a multiple events award system.
- Olsen (US 6,146,273) discloses a progressive jackpot gaming system with a secret bonus pool.
- Weiss (US 6,077,162) discloses a cooperative group gaming system apparatus and method.
- Slater (US 5,613,912) discloses a bet tracking system for gaming tables.
- Acres et al. (US 5,876,284) discloses a method and apparatus for implementing a jackpot bonus on a network of gaming devices.
- Jones et al. (US 5,626,341) discloses a method of progressive jackpot gaming.
- Baerlocher et al. (US 6,599,193) discloses a progressive gaming device.

- Walker et al. (US 6,503,146) discloses a system and method for facilitating casino team play.
- Fertitta, III et al. (US 6,302,793) discloses a multi-property player tracking system.
- Walker et al. (US 6,206,782) discloses a system and method for facilitating casino team play.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

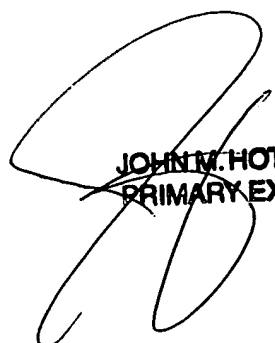
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/663,950

Page 11

Art Unit: 3714

Meagan Thomasson
14 September, 2006



JOHN M. HOTALING, II
PRIMARY EXAMINER